

**GOVERNMENT OF PUERTO RICO
PUBLIC SERVICE REGULATORY BOARD
PUERTO RICO ENERGY BUREAU**

NEPR

Received:

May 9, 2025

11:00 AM

IN RE:

GENERA PR, LLC.,
ELECTRIC COMPANY CERTIFICATE
APPLICATION

CASE NO.: NEPR-AP-2022-0001

SUBJECT: Resolution and Order pertaining
*to Joint Motion to Request Preliminary
Approval for Amendments to Genera's
Operation and Maintenance Agreement*, filed
by Genera PR, LLC and the Puerto Rico
Electric Power Authority

**MOTION REQUESTING NOTIFICATION, EXTENSION OF TIME AND
FOR THE COMMENCEMENT OF AN INVESTIGATION**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW Ricardo Palléns Cruz, representing Genera PR, LLC. ("Genera"), and respectfully submits and prays as follows:

1. On February 27, 2025 this attorney submitted a motion to appear and requested to add for notifications of all orders, resolutions, motions and or filings the following addresses:

- a. ricardo.pallens@genera-pr.com
- b. regulatory@genera-pr.com
- c. legal@genera-pr.com
- d. Postal mailing address PO Box 363068, San Juan, PR 00936
- e. Tel. (787) 474.2400

2. The Puerto Rico Energy Bureau ("PREB") notified a Resolution and Order of February 28, 2025. No other resolution or order has been formally notified by PREB to Genera by the provided emails or regular mail.

3. On April 21, 2025 Genera received from the Puerto Rico Electric Power Authority ("PREPA") a new draft for the amendment to the Legacy Generation Assets Operation

and Maintenance Agreement with a copy of a resolution and order from PREB that was never formally notified to Genera by PREB.

4. On April 25, 2025 Genera received a copy of a an *Informative Motion and in Compliance with Resolution and Order Dated April 7, 2025* filed by PREPA on April 24, 2025.
5. Among other things, PREPA refers to a *Resolution and Order* (“R&O”) from the PREB allegedly sent on April 7, 2025.
6. Genera was not notified, nor received a copy of that April 7, 2025, R&O as required by the Government of Puerto Rico Uniform Administrative Procedure Act, 3 L.P.R.A § 9601, expressly applicable to the procedures before this PREB by Sec. 6.20 of Law 57-2014, 22 L.P.R.A § 1054s. See *Comisión Ciudadanos v. G.P. Real Prop.*, 173 D.P.R. 998, 1014 (2008) (holding that once a person is part of the adjudicative process, they have the right to effectively participate in said process, be notified of the determinations, orders, or resolutions issued by the agency, and request judicial review on equal terms with the other parties).
7. PREPA established in its motion that the PREB set a deadline to submit certain information by April 24, 2025.
8. On April 26, 2025, Genera filed *Motion Requesting Term Extension and to be Notified of Record Entries*, requesting:
 - a. That the April 7, 2025 and April 15, 2025 be formally and duly notified to Genera;
 - b. That all future orders, motions and resolutions be notified to Genera;

- c. A term extension of fifteen (15) labor days, from the date these resolutions and orders are notified to Genera, for Genera to express its position and/or comply.
- 9. As of this date, Genera has not formally received a copy of PREB's April 7 and April 15, 2025, Resolutions.
- 10. On May 6, 2025, Mr. Iván Báez Santiago, Vice President of Government and Public Affairs for Genera, was contacted by journalist Manuel Guillama of *El Nuevo Día* ("ENDI"), who requested Genera's reaction to PREB's April 28, 2025, Resolution and Order ("April 28 R&O").
- 11. Mr. Báez Santiago had no prior knowledge of PREB's April 28 R&O as, once again, Genera had not received a formal notification from PREB.
- 12. Alarming, it was only through the outreach of journalist Manuel Guillama that Genera became aware of the April 28 R&O. Mr. Guillama forwarded the document to Mr. Báez Santiago, marking the first time Genera had seen or received any information regarding the April 28 R&O.
- 13. On May 7, 2025 Genera filed a "Motion Requesting Term Extension and Other Remedies" in docket NEPR-CT-2023-0001 on which the "Joint Motion to Request Approval for Amendments to Genera's Operation and Maintenance Agreement".
- 14. On that same date, Genera requested access to docket NEPR-AP-2022-0001 that was included in the April 28 A&O provided by ENDI to Mr. Ivan Baez. The same "Motion Requesting Term Extension and Other Remedies" was sent by email to PREB's Clerk.

15. In May 8, 2025 the PREB's Clerk denied access to Genera to docket NEPR-AP-2022-0001 saying that for safety purposes of confidential documents, access cannot be given to Genera.
16. Today, May 9, 2025 PREB's Clerk also notified Genera that the "Motion Requesting Term Extension and Other Remedies" filed on May 7, 2025 in docket NEPR-CT-2023-0001 was deemed not presented because Genera included docket numbers NEPR-CT-2023-0001 and NEPR-AP-2022-0001 in its motion and these cases were not consolidated. PREB's Clerk requested Genera to file one separate motion for each case.
17. PREB's April 28 R&O expressly states, emphasized in bold and all capital letters, that the PREB's Clerk is to notify only PREPA, Genera and the Puerto Rico Public-Private Partnerships Authority ("P3 Authority"), and **to maintain the confidentiality of the R&O unless otherwise directed by PREB.**
18. According to the Certification of Notification included within the April 28 R&O, the **only** parties to whom the document was transmitted were: arivera@gmlex.net; PREPA, via mary.zapata@prepa.pr.gov; and the P3 Authority, via josue.colon@p3.pr.gov.
19. Genera conducted a diligent search of PREB's electronic filing system, and none of the referenced R&O's appear to be published or otherwise made available through official channels.
20. Once again, PREB failed to notify Genera of its Resolution and Order, in blatant disregard of their own express directives and general principles of administrative law. This continued failure to provide proper notice not only violates fundamental principles of due process but also casts serious doubt on the transparency, impartiality, and procedural integrity of this proceeding.

21. It is deeply troubling that a journalist, who is not a party to this proceeding, was granted access to a document explicitly marked as confidential. Even more concerning is the fact that the journalist received the R&O before Genera, one of the entities expressly listed to be notified.
22. Genera formally states that none of its due process rights are being waived and that, as a party affected by all PREB determinations and orders in this case, Genera has the right to be duly notified pursuant to the Government of Puerto Rico Uniform Administrative Procedure Act and relevant case law. .
23. It is well known that notice is a fundamental element of due process of law. For any proceeding to be fair and just, due process mandates that individuals be properly notified and afforded a meaningful opportunity to be heard and to respond. See Vendrell López v. AEE, 199 D.P.R. 352, 360 (2017) (“our legal system recognizes that, in the administrative realm, due process of law guarantees the right to timely notification”). Therefore, once an Order or Resolution is issued, providing notice of that determination is not merely procedural, it is a critical safeguard that must be observed in all proceedings. Id.
24. Considering that Genera was not notified of April 7, 2025 April 15, 2025 and April 28, 2025, R&Os, no term or deadline should be accounted against Genera. Cf. Ramos Ramos v. Westernbank, 171 D.P.R. 629, 634 (2007) (“[f]or a resolution or order to take effect, it must be issued by a court with jurisdiction and notified to the parties, as it is from the moment of notification that the terms established in said resolution or order begin to run”).
25. For all these reasons, Genera respectfully requests to the PREB:

- a. That April 7, 2025, April 15, 2025 and April 28, 2025 R&O's be formally and duly notified to Genera;
- b. That all future orders, motions and resolutions be notified to Genera;
- c. A term extension of thirty (30) business days, from the date these resolutions and orders are notified to Genera, for Genera to express its position and/or comply;
- d. An immediate and thorough investigation into the unauthorized disclosure of the April 28 R&O. The leak of this confidential R&O to the press, prior to its notification to Genera and in direct violation of the Bureau's own explicit confidentiality directive, is a serious breach that must not go unaddressed. This disclosure not only violates Genera's due process but also undermines the integrity and credibility of PREB's proceedings.
- e. To identify the individual(s) responsible for this egregious violation and impose the corresponding legal consequences. The confidentiality directives of PREB must be upheld without exception, and those who disregard them must be held fully accountable. Anything less would set a dangerous precedent and erode the trust that regulated entities and the public place in this institution.

26. Genera emphasizes that no right or defense is being renounced, and that Genera reserves all its legal rights to present any applicable legal argument or claims after these resolutions and orders be formally notified.

WHEREFORE, Genera respectfully requests that this Energy Bureau **take notice** of the above for all relevant purposes; formally **notifies** the orders and resolutions; and grants the **term extension** requested.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 9th day of May 2025.

Certification: It is hereby certified that an exact copy of this motion was notified on the day of its filing to the following persons or attorneys on record Alexis Rivera arivera@gmlex.net.

Genera PR, LLC.
PO Box 363068
San Juan, Puerto Rico 00936
Tel. (787) 474.2400

/s/ Ricardo Palléns Cruz
Ricardo Palléns Cruz
ricardo.pallens@genera-pr.com
TSPR 18,304

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of this motion was filed with the Office of the Clerk of the Energy Bureau using its Electronic Filing System and that it will be notified to mary.zapata@prepa.pr.gov; josue.colon@p3.pr.gov; and arivera@gmlex.net.

In San Juan, Puerto Rico, this 9th day of May 2025.

/s/ Ricardo Palléns Cruz
Ricardo Palléns Cruz